



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAWN R. GALLAGHER
COMMISSIONER

January 28, 2004

Bruce Sidell
430 Gilman Falls Ave.
Old Town, Maine 04468

RE: Request for Public Hearing - West Old Town Landfill Amendment
Application for Vertical Increase; DEP #S-020700-WD-N-A

Dear Mr. Sidell:

I write in response to your request for an adjudicatory hearing on the West Old Town Landfill amendment application. The standards in Department of Environmental Protection rules limit the application review to environmental issues, while the comments made at last Wednesday's public forum included broader issues, such as the contractor selection process and public involvement. Although your request for an adjudicatory hearing did not meet the DEP criteria for a hearing, I believe the broader issues raised warrant a second public forum. Accordingly, DEP, along with the State Planning Office, Department of Transportation, city leaders, and involved companies, will hold an additional public meeting in the next few weeks. We will provide details of this session shortly.

The Old Town facility is a licensed landfill and DEP's review in this case is limited to the amendment request. DEP's Chapter 2, Rules Concerning the Processing of Applications and Other Administrative Matters, requires a public hearing when the Department determines there is "credible conflicting technical information regarding a licensing criterion and it is likely that a public hearing will assist the decision maker in understanding the evidence". Your December 4, 2003 request does not present conflicting technical information.

Your letter refers to concerns that the traffic associated with the above application will have substantial negative impact on residents and communities in the area, and offers the benefit of daily observations of traffic patterns over long

periods of time. You suggest that trucks should be required to limit their load weights to 80,000 pounds and travel on I-95, or travel on Route 2 to the landfill.

As I'm sure you are aware, the traffic information for the project is being carefully analyzed and evaluated by the Maine Department of Transportation ("MDOT"). It is my understanding MDOT has completed its review of the original traffic route, and is reviewing additional haul routes that may also meet the traffic movement standards in the Solid Waste Rules. MDOT'S review of possible haul routes specifically ruled out use of Route 2 for a number of reasons related to existing traffic problems. The Department does not have the regulatory authority to require that the applicant limit the trucks' weights and use I-95 if the route(s) proposed by the applicant meets the regulatory criteria.

I encourage you to provide any comments on this application that you have related to the licensing criteria of the Solid Waste Management Regulations to Cyndi Darling, the Department's project manager for this project, as soon as possible.

Sincerely,

Dawn R. Gallagher
Commissioner